



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

FEB 07 2018

REPLY TO THE ATTENTION OF:
 WW-16J

Ashley Chrysler
 Warner Norcross and Judd LLP
 111 Lyon Street NW, Suite 900
 Grand Rapids, MI 49503

Re: Freedom of Information Act Request
 EPA-R5-2017-0011805

Dear Ms. Chrysler:

In a September 26, 2017 Freedom of Information Act (FOIA) request, your office requested from EPA the following, as revised and confirmed on October 24, 2017 in the telephone conversation between Peter Swenson of our office and you:

- Copies of any records related to a Clean Water Act Section 404 permit application for Aquila Resources, Inc.'s Back Forty Project;
- All comments from the public to EPA regarding the Back Forty Mine, including representative samples of mass email messages having similar subject line and text; and
- All EPA internal and external communication.

You also clarified that your FOIA request does not include the following:

- Records related to any permits other than wetlands; and
- Records or communication from Aquila Resources, its consultants, or representatives.

An initial response was provided dated November 28, 2017. In a February 1, 2018 phone call with Peter Swenson you agreed to a February 6, 2018 extension for EPA's final response, and in a subsequent email message dated February 7, 2017, you agreed to a further extension to February 9, 2017. This is EPA's final response to your FOIA request.

Documents responsive to your request have been uploaded to the FOIA Online System. The Region 5 FOIA Office will provide you a link to the records. Enclosure A is an itemized list of the documents we are releasing. However, we are unable to provide you with other documents, or portions of documents, responsive to your request because we have determined that they are exempt from mandatory disclosure under Exemptions 5 and 6 of 5 U.S.C. § 552(b)(7). Exemption 5 covers privileged communications within or between agencies, including those protected by the deliberative process privilege, attorney-work product privilege and attorney-client privilege. Exemption 6 protects personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

An itemized list of the withheld material, along with the bases for withholding and an estimate of the volume of withheld materials is provided in Enclosure B to this letter.

EPA will send a Bill for Collection in the amount of \$500.00 along with payment procedures. This amount reflects the costs incurred by EPA in responding to your request. EPA appreciates your prompt payment of the amount indicated.

You may appeal this response by email at hq.foia@epa.gov, or by mail to the National Freedom of Information Officer, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, D.C. 20001. Your appeal must be made in writing and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90 calendar day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution service from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail to the Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; by email, ogis@nara.gov; by telephone, (301) 837-1996 or (877) 684-6448; or by fax, (301) 837-0348

Please contact Peter Swenson at (312) 886-0236 if you have any questions concerning this matter.

Sincerely,



Christopher Korleski
Director, Water Division

Enclosures